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PATENT  
ATTORNEY DOCKET NO.: 041465-5114-01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Atsushi YAMAGUCHI et al.	)	Confirmation No.: 5132
	)	
Application No.: 10/730,981	)	Group Art Unit: 2655
	)	
Filed: December 10, 2003	)	Examiner: Unassigned
	)	
For: OPTICAL RECORDING MEDIUM,	)	
OPTICAL RECORDING MEDIUM	)	
PRODUCING APPARATUS AND	)	
OPTICAL RECORDING MEDIUM	)	
PRODUCING METHOD	)	

Commissioner for Patents  
U.S. Patent and Trademark Office  
220 20th Street S.  
Customer Window  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO Form 1449. To the best of the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application. Accordingly, Applicants do not believe that a fee is due for filing this paper.

Applicants are submitting a partial translation of the JP10-172149 document previously cited in the Information Disclosure Statement ("IDS") previously filed in this application on April 9, 2004. Applicants note that the version of the concurrently-filed partial translation for

the JP10-172149 document has been revised in light of some translation errors discovered by Applicants in the version of the partial translation of that document which was filed on April 9, 2004. An Appendix is attached to the concurrently-filed revised translation of JP10-172149 indicating the changes from the previous version of this partial translation, as filed on April 9, 2004.

Consideration of the enclosed translation in light of the previously cited documentation is respectfully requested. Copies of the listed documents are attached.

The remaining two foreign documents listed on the attached PTO Form 1449 were previously cited by the Examiner in a PTO-892 Form attached to the Notice of Allowance dated May 25, 2004 in the instant application's parent application no. 09/911,424, upon which Applicants rely for the benefits provided in 35 U.S.C. § 120. Thus, under 37 C.F.R. § 1.98(d), a copy of these listed foreign documents are not required to be provided herewith.

Applicants request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached PTO Form 1449.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "Prior Art." If it should be determined that any of the listed documents do not constitute "Prior Art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of the document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over any of the listed documents, should the document be applied against the claims of the present application.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

By:



Paul A. Fournier

Reg. No. 41,023

Dated: June 7, 2004

**Customer No. 009629**

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202-739-3000

**INFORMATION DISCLOSURE CITATION**

(Use several sheets if necessary)

JUN 07 2004

PTO Form 1449

Attorney Docket No.

041465-5114-01

Application No.: 10/730,981

Applicant(s): Atsushi YAMAGUCHI et al.

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Filing Date: December 10, 2003

Group Art Unit: 2655

**U.S. PATENT DOCUMENTS**

*Examiner Initial	Document Number	Date	Name	Class	Sub Class	Filing Date

**FOREIGN PATENT DOCUMENTS**

Document Number	Date	Country	Class	Sub Class	<u>Translation</u> YES NO	
JP 10-172149	June 26, 1998	Japan			X (Partial English- language translation)	
11-39,660 A	02-1999	Japan	369	275.4		
10-222,874A	08-1998	Japan	369	275.4		

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**


Examiner

Date Considered

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.